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May 1, 2012

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VIA facsimile & ECF:

The Honorable Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Hopkins et al v. National Railroad Passenger Corporation et al.,
Case No: 1:08-cv-2965-NGG-RML

Dear Judge Garaufis:

We represent the plaintiffs, Brian Hopkins, Liana Hopkins and Sean Hopkins in this matter. Summary Judgment papers were filed by defendants on April 30, 2012, which include the defendants' motion papers, plaintiffs' opposition papers and a lengthy "Memorandum of Law in Further Support of Defendants' Motion for Summary Judgment" (with additional exhibits).

I am writing to respectfully request permission to file a short reply to Defendants' Memorandum of Law in Further Support. In support of this request, plaintiffs would like to respond to a number of issues raised in Defendants' Memorandum in Further Support which include: responding to defendants' statements regarding the claim that Brian Hopkins was trespassing; responding to defendants' statements as to the admissibility of prior electrocutions and personal injuries; having plaintiffs' experts simply affirm the statements in their expert reports; and other issues squarely within the Memorandum in Further Support.

The Honorable Nicholas G. Garaufis
May 1, 2012
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Thank you for your courtesy and cooperation.

Very truly yours,

Russell X. Pollock

cc: Cristi L. Luckow, Esq. (via facsimile and ECF)

Plaintiffs' application
to file a surreply is
granted as follows.
A brief of no greater
than 5 pages may be
filed not later than
May 4, 2012.
So ordered.

s/Nicholas G. Garaufis